

1 A Correct.

2 Q Is that consistent with the rules, to your
3 understanding?

4 A Yes.

5 Q That is. Okay.

6 And I think you testified this morning, or you
7 said this morning that if the whole microwave path goes
8 down, that then the fail-safe would be to -- for the Fort
9 Lee translator to broadcast the Monticello or Pomona over-
10 the-air signal?

11 A No 951 signal coming in, that is correct.

12 JUDGE STEINBERG: If there is no signal coming in
13 on the microwave, that's correct.

14 MR. ARONOWITZ: Okay.

15 BY MR. ARONOWITZ;

16 Q Why wasn't that the fail-safe? Why wasn't the
17 over-the-air signal just the fail-safe? Why did you create
18 this thing?

19 JUDGE STEINBERG: "This thing" meaning Chart 2?

20 MR. ARONOWITZ: Chart 2.

21 THE WITNESS: I apologize. I don't understand the
22 question.

23 JUDGE STEINBERG: Okay, take my word for it, it's
24 an excellent question.

25 THE WITNESS: Okay.

1 JUDGE STEINBERG: The fail-safe is that the audio,
2 your first fail-safe -- well, I'm not going to put words in
3 your mouth -- is that the audio from the microwave will be
4 broadcast over the air?

5 THE WITNESS: In the event of loss of data.

6 JUDGE STEINBERG: Then the audio from the
7 microwave will be broadcast over the Fort Lee translator?

8 THE WITNESS: Yes.

9 JUDGE STEINBERG: If there is loss of audio in the
10 Fort Lee translator, then the second fail-safe is to --

11 THE WITNESS: I'm sorry, I didn't -- we never said
12 loss of audio. We said loss of carrier.

13 JUDGE STEINBERG: Okay, loss of -- loss of
14 whatever.

15 MR. ARONOWITZ: We used the word "loss of
16 carrier."

17 JUDGE STEINBERG: Okay. So lost of data, we
18 broadcast over the Fort Lee translator the audio?

19 THE WITNESS: Yes.

20 JUDGE STEINBERG: From the microwave?

21 THE WITNESS: Yes.

22 JUDGE STEINBERG: Loss of carrier from the
23 microwave, the second fail-safe is that the Fort Lee
24 translator will broadcast either the Pomona or the
25 Monticello over-the-air signal?

1 THE WITNESS: Correct.

2 JUDGE STEINBERG: The question is why have the
3 microwave, why not just have -- if there is a loss of data,
4 why not just go right to the Pomona or Monticello over-the-
5 air audio?

6 THE WITNESS: If you lose the data -- because at
7 that point you've lost control.

8 JUDGE STEINBERG: Control of what?

9 THE WITNESS: At that point you've lost control --
10 at that point you've lost control of the translator, because
11 you've lost data. Now you have an emergency. How do you
12 get the microwave -- and the remote control has failed. How
13 would you get the audio on the air from the microwave?

14 JUDGE STEINBERG: You couldn't get the audio on
15 the air by directly getting it from Pomona or Monticello?

16 THE WITNESS: I must tell you, and I apologize,
17 now I'm getting confused. Now I know what I'm doing to
18 everybody else. I'm sorry. I just don't follow this.

19 JUDGE STEINBERG: The scary thing is I do.

20 THE WITNESS: Okay, and if you explain to -- I'll
21 go ahead.

22 JUDGE STEINBERG: It's basically, and this is a
23 question that occurred to me this morning, this was the one
24 that I was I was trying to ask but couldn't think of the way
25 of asking it.

1 You absolutely need that data path. You cannot
2 function without that data path?

3 THE WITNESS: No.

4 JUDGE STEINBERG: No, you can't?

5 THE WITNESS: You cannot, you cannot function
6 without that data path, yes.

7 JUDGE STEINBERG: And if the data path is
8 interrupted, you cannot function without the data path, and
9 if you lose the data path -- well, if you can't function
10 without the data path, then how do you function using the
11 audio on the microwave?

12 THE WITNESS: I don't understand the question.

13 JUDGE STEINBERG: Okay.

14 THE WITNESS: I'm sorry.

15 JUDGE STEINBERG: What would happen if the data
16 path completely -- if you lose it?

17 THE WITNESS: Okay. The Fort Lee translator would
18 rebroadcast on microwave audio.

19 JUDGE STEINBERG: And if you did not have the
20 microwave audio?

21 THE WITNESS: Dead carrier on the microwave audio,
22 is that what -- that's what maybe is confusing me.

23 JUDGE STEINBERG: Yes, dead carrier on the
24 microwave.

25 MR. ARONOWITZ: I never used those words.

1 THE WITNESS: All right, that's right. These are
2 the pieces that are missing.

3 BY MR. ARONOWITZ;

4 Q I said the audio -- the audio path, I said the
5 audio path is wiped out. It's not there.

6 A We really need to -- with all due respect, we
7 really need to get terms here. Is it dead carrier? I mean,
8 I don't understand what you're talking about. That's why I
9 can't follow it. And I'm thinking like an engineer and I
10 can't turn it off.

11 JUDGE STEINBERG: Okay, you know, basically what
12 Mr. Aronowitz wants to know is -- I'll ask the question sort
13 of backwards, and that is, if you lose your data path, and
14 you lose your microwave data path, you can lose your
15 microwave audio.

16 THE WITNESS: Here is where I need to be -- get
17 some clarification, Your Honor.

18 JUDGE STEINBERG: Yes.

19 THE WITNESS: Are you talking about losing 951
20 completely, or are you just basically have dead carrier on
21 data, and dead carrier on audio? Is that what --

22 JUDGE STEINBERG: Which -- which causes -- which
23 situation would cause the TC-8 to go to Pomona and
24 Monticello?

25 THE WITNESS: Loss of 951 completely.

1 JUDGE STEINBERG: Okay. Then let's take that
2 assumption. You lose 951 completely.

3 THE WITNESS: Yes.

4 JUDGE STEINBERG: So you have no data.

5 THE WITNESS: Correct. You have nothing.

6 JUDGE STEINBERG: You have nothing on 951.

7 At that point it goes to Pomona or Monticello, and
8 if you have -- the TC-8 at Fort Lee would rebroadcast Pomona
9 or Monticello?

10 THE WITNESS: Yes.

11 JUDGE STEINBERG: How does it do that if you've
12 lost your data path?

13 THE WITNESS: Oh, okay. Now I understand. Thank
14 you. What happens is -- okay, great, I finally understand
15 the question.

16 You've got -- no, no, you have two relays up
17 there. You've got one relay --

18 MR. ARONOWITZ: I --

19 JUDGE STEINBERG: Let -- don't say anything.

20 THE WITNESS: Okay, let -- you've got two relays.
21 This is the only way I can explain it. I'm sorry. You've
22 got two relays up there. You got a secondary relay, relay
23 number two. Relay number two is looking at the data coming
24 in, okay?

25 No data coming in, makes a closure, push the

1 microwave on the air. Okay, is that clear? It's important
2 before I go to the next --

3 JUDGE STEINBERG: that's step one?

4 THE WITNESS: Yes, step one.

5 That's really number two, it's a secondary relay.
6 There is relay number one, which overrides everything.
7 Relay number one is saying, "Let me see this 951 signal
8 coming in." If there is no 951 signal coming in, this relay
9 closes. It doesn't matter what's going on here now because
10 this is the primary relay, the number one relay in the
11 system, Your Honor. This is the one that says, "I don't
12 care what's going on. You're going to Pomona or
13 Monticello."

14 JUDGE STEINBERG: But how does it go to Pomona or
15 Monticello? You said you needed the data path for the TC-8s
16 to function for the Fort Lee translator to function.

17 THE WITNESS: Only to function controls, Your
18 Honor. The transmitter in Fort Lee would still generate
19 carry at 103.1.

20 JUDGE STEINBERG: Okay.

21 THE WITNESS: All right. So all we have really
22 done here, Your Honor, is lost control of the facility via
23 the TC-8. Switching audio, Mr. Aronowitz, I mean, switching
24 transmitters. So I now cannot control a number of functions
25 at the translator, switching transmitters, switching audio

1 inputs, okay, because I have lost remote control

2 JUDGE STEINBERG: That's the date that's sent
3 through the data path?

4 THE WITNESS: Yes. So what has happened here --
5 now I know what we're getting at, and I tried to explain it
6 this morning, and I apologize if I didn't make it clear
7 enough. If you have an alternate means of switching, you
8 need an alternate means of switching back.

9 We've lost data. Okay, secondary rely kicks in,
10 puts the microwave on the air. Oops, got a problem. My
11 remote control is dead. It's blown up. It doesn't work
12 anymore. I need to get this back on, Pomona or Monticello,
13 and it doesn't matter which one it is. Turn off the
14 microwave unit in Dumont. 951 disappears. This relay
15 number one energizes and said, " Go back to Pomona or
16 Monticello."

17 JUDGE STEINBERG: At which point the
18 rebroadcasting Pomona and Monticello, but you don't have any
19 remote control of the Fort Lee translator?

20 THE WITNESS: The basic controls, I have lost,
21 Your Honor, and at that point I can't switch transmitters.
22 I have lost a substantial portion of control, yes.

23 JUDGE STEINBERG: Okay, so you can't -- you can't
24 go from number one to number four on the status lights?

25 THE WITNESS: Correct.

1 JUDGE STEINBERG: You can't go from five to six to
2 seven -- well, six would be on probably. No, six would be
3 dead.

4 THE WITNESS: Yes.

5 JUDGE STEINBERG: You can't go from five to seven
6 to eight to no lights?

7 THE WITNESS: Basically, yes.

8 JUDGE STEINBERG: So you go back to a preset
9 condition?

10 THE WITNESS: Yes.

11 JUDGE STEINBERG: Until it's fixed?

12 THE WITNESS: Yes.

13 JUDGE STEINBERG: Now, getting to Mr. Aronowitz's
14 question, couldn't you do that without using -- couldn't you
15 do that -- by "that" I mean going directly to Pomona and
16 going directly to -- well, going directly to either Pomona
17 or Monticello without putting audio on the microwave?

18 THE WITNESS: I apologize.

19 JUDGE STEINBERG: Okay, terminology again.
20 Let's say you have lanes one through 15.

21 THE WITNESS: Yes.

22 JUDGE STEINBERG: And that carries the audio.

23 THE WITNESS: Yes.

24 JUDGE STEINBERG: What if lanes one to 15 carried
25 nothing?

1 THE WITNESS: Okay.

2 JUDGE STEINBERG: And so you only had 67.

3 THE WITNESS: Yes.

4 JUDGE STEINBERG: And you're using 67. Forget
5 about that would be inefficient. But forget about that. So
6 you've got -- the only thing you've got going is data on
7 lane 67.

8 THE WITNESS: Right.

9 JUDGE STEINBERG: The data is interrupted on lane
10 67.

11 THE WITNESS: Okay.

12 JUDGE STEINBERG: Why couldn't you configure it at
13 that point go to -- okay, the data on lane 67 is out, so
14 you've lost the ability to remote control Fort Lee?

15 THE WITNESS: Yes.

16 JUDGE STEINBERG: Why couldn't you at that point
17 go to Monticello or Pomona just the way you described it
18 before? Have the relay number one energize.

19 THE WITNESS: One or two. Okay.

20 JUDGE STEINBERG: One, because two, forget about
21 two.

22 THE WITNESS: Okay.

23 JUDGE STEINBERG: Because you don't need it
24 because you've got one -- one through 15 are empty.

25 THE WITNESS: Okay, I think I -- okay, I hope I

1 can answer your question.

2 JUDGE STEINBERG: Yes, so relay number two
3 activates, am I doing this right?

4 THE WITNESS: Relay number two activates. Relay
5 number two activates because you've lost --

6 JUDGE STEINBERG: Because I've lost data.

7 THE WITNESS: Yes.

8 JUDGE STEINBERG: And then you go directly to --
9 and then the rest of the system would work just the way it
10 works now.

11 Not relay number two. I mean, relay number two is
12 the right hand. Mr. Naftalin, can you --

13 MR. NAFTALIN: Can I take a shot?

14 JUDGE STEINBERG: You know what I'm getting at.

15 MR. NAFTALIN: Is your question why did you set it
16 up this way in the first place, right? Why did you have a
17 secondary -- why did you have a secondary relay that would
18 go to the microwave audio at all?

19 JUDGE STEINBERG: Right.

20 MR. NAFTALIN: Why not just always have it go to
21 the off-the-air reception? Is that -- is that what we're
22 getting at?

23 JUDGE STEINBERG: That's exactly what I'm trying
24 to --

25 MR. NAFTALIN: Mr. Turro, let me take a shot at

1 this.

2 MR. ARONOWITZ: Hold it, hold it.

3 JUDGE STEINBERG: That's what you were asking.

4 MR. NAFTALIN: Isn't that what you're asking.

5 MR. ARONOWITZ: Yes, that's right.

6 JUDGE STEINBERG: Trust me.

7 MR. NAFTALIN: I mean, I thought that was a great
8 question.

9 MR. ARONOWITZ: Okay.

10 MR. NAFTALIN: I really did.

11 MR. ARONOWITZ: I just want to make sure --

12 THE WITNESS: And I apologize, I'm having trouble
13 following this.

14 MR. NAFTALIN: Mr. Turro, let's go back, when you
15 were setting up the entire control arrangement between
16 Dumont and Fort Lee in something like the October 1994 time
17 frame, all right?

18 Now, you've testified that you set up the system
19 where you had an audio path and a data path on WMG499,
20 right?

21 THE WITNESS: Yes.

22 MR. NAFTALIN: Okay. Now, you set up, you've
23 testified you set up two relays, right?

24 THE WITNESS: Yes.

25 MR. NAFTALIN: Okay. What you called the

1 secondary relay would kick in, if that's a technical term,
2 in the event the data on the microwave was interrupted --

3 THE WITNESS: Yes.

4 MR. NAFTALIN: -- force, and force the translator
5 to pick up the audio path on the microwave and put it on the
6 air at Fort Lee.

7 THE WITNESS: I understand that.

8 MR. NAFTALIN: Okay. You had another relay, what
9 you've called a primary relay, right?

10 THE WITNESS: Yes.

11 MR. NAFTALIN: Okay. In the event the microwave
12 was turned off, blew up or something, the primary relay
13 takes over and it forces the translator to pick up a signal
14 off the air from Pomona or Monticello, whatever.

15 THE WITNESS: Assuming it's not there already.

16 MR. NAFTALIN: Well, okay, I take that. All
17 right, whatever. Let me keep going before I get lost.

18 THE WITNESS: I'm sorry.

19 MR. NAFTALIN: Now, I think the question is what
20 was your thinking, why did you ever have this secondary
21 relay you're talking about, why did you ever set it up so
22 that in any instance there would be a situation -- why did
23 you ever set it up so that if there was a loss of data the
24 secondary relay would kick in and you would have the
25 microwave audio on the air at Fort Lee? Why do that at all?

1 THE WITNESS: Oh, I'm sorry. That's easy to
2 answer. Because it's available to you right there at the
3 transmitter site. Right there, there is a screw terminal
4 set for loss of telemetry, and right there, there is a screw
5 set terminals for loss of carrier. So it's right there.

6 MR. NAFTALIN: But why use it?

7 THE WITNESS: Because it's there.

8 MR. NAFTALIN: But did you have any purpose in
9 setting up this secondary relay system? What was good about
10 having microwave audio get on the air in the event you lost
11 data? Why bother? Why bother? Why do it?

12 THE WITNESS: In case the remote control unit
13 failed.

14 MR. NAFTALIN: Okay.

15 THE WITNESS: And I couldn't control Fort Lee in
16 the event of an emergency.

17 You have to understand something. A lot of
18 thought didn't have to go into this. It was there and
19 available at the translator to begin with. I didn't build
20 this whole concoction of a box here to do this. It was
21 readily available at the site. And one day I'm looking at
22 it going, "Son of a gun, these two relays are sitting here.
23 They are part of the system. Let me use them."

24 MR. NAFTALIN: What's the -- what's the utility of
25 that? I mean, what's valuable about that?

1 THE WITNESS: What's valuable about that is that
2 you have a backup system.

3 MR. NAFTALIN: Were you assuming that emergency
4 conditions -- it would be beneficial in an emergency
5 condition to immediately have the Dumont studio directly on
6 the air at Fort Lee rather than going down the network land
7 line, or around the --

8 THE WITNESS: Oh, I really -- I was hoping that --
9 I thought the odds of using this would be small, which is
10 why I didn't put a lot of time and effort into it.

11 MR. NAFTALIN: Okay.

12 THE WITNESS: But I mean, I would say 99 percent
13 of the emergency messages went through Monticello anyway.

14 MR. ARONOWITZ: Wait. You know, I -- I have to
15 raise an objection or something because --

16 JUDGE STEINBERG: Well, that was very leading --

17 MR. ARONOWITZ: I mean, who is testifying here?

18 JUDGE STEINBERG: -- when it's in a direct case.

19 MR. ARONOWITZ: And who is asking the questions?
20 These are not the questions -- I believe I have actually
21 asked these questions, and I believe these questions have
22 been asked and answered. I mean, am I talking over here?

23 MR. NAFTALIN: I withdraw it, Your Honor. I
24 really -- I was trying to help. I withdraw the question.

25 JUDGE STEINBERG: No, I think that the way I have

1 been conducting things, I have been being a bit more
2 informal because I think it's more important that the
3 information get in the record than how it gets in, and
4 that's why it was my invitation that -- it was my invitation
5 to Mr. Naftalin to ask the questions, and that was certainly
6 my question, and that's what I thought your question was.

7 So why don't you proceed.

8 MR. ARONOWITZ: And, in fact, that is. And I,
9 just before Mr. Naftalin went and stole my thunder, I -- you
10 know, basically I --

11 JUDGE STEINBERG: Okay, well, you can --

12 MR. ARONOWITZ: It sounded like we were going
13 beyond this.

14 JUDGE STEINBERG: Well, have your thunder back.

15 MR. ARONOWITZ: Because as I understand Mr.
16 Naftalin, we got up to the data is lost, so you revert back
17 to the audio because it's there, and I think we started this
18 with let us assume for the purpose of this question the data
19 is off, the audio is off. The fail-safe is the Pomona or
20 Monticello over-the-air signal. That's what you said
21 earlier.

22 BY MR. ARONOWITZ;

23 Q Is that wrong?

24 A If the data is off and the audio is off the
25 microwave?

1 Q Right, the microwave completely shut down.

2 A Okay, it's no carrier at 951.

3 Q Microwave is shut down.

4 A Okay.

5 Q Was it your testimony that it would revert back to
6 the Monticello --

7 A Not revert back. If it were already there, it
8 would stay there.

9 Q Mr. Naftalin just asked you about urgency and the
10 use for this being some kind of urgency to get out an
11 emergency message?

12 A Okay.

13 Q Okay. Is that type -- is that correct?

14 A Yes? I don't understand. I apologize.

15 Q That's why I really started to interrupt Mr.
16 Naftalin because I believe he asked you if your thinking in
17 putting this system together was so that you could get
18 urgent broadcast messages out.

19 A In the event of an emergency.

20 Q In the event of an emergency.

21 A And remote control failing.

22 Q Okay.

23 A Okay. Maybe --

24 Q Wait a second. Let me ask one question.

25 Given the difficulty to explain to us and given

1 that this thing isn't identified, and there is an operator
2 on duty, I think your testimony was they would have to call
3 you and get your permission to do it?

4 A Correct.

5 Q Doesn't that defeat urgency? How urgent is it if
6 the operator can't put it out, but instead has to call you
7 and then get instructions as to how to manipulate equipment?

8 A First of all, what we are talking about here, so
9 we are clear on this, in the event of emergencies, they
10 would call me at home. And we're making a big leap here
11 that this emergency has happened and the telemetry is gone,
12 okay?

13 What I am telling you is they would call me at
14 home, and say, "Listen, the Bergen County," and you have to
15 realize a lot of different things have to happen for what
16 you're talking about. Monticello has to be off the air.
17 There has to be an emergency, and they can't find me.

18 Q Let's assume all that. Could that possibly
19 happen?

20 A Anything is possible.

21 Q Okay. Do you go out in the evening? Do you go
22 out with your wife, go to dinner, go to a movie?

23 A Occasionally.

24 Q Okay. So there could be a possibility where they
25 couldn't reach you.

1 A That's right.

2 Q Okay. The time it would take to call you, get
3 your permission, get your instructions, is that consistent
4 with getting out an urgent message should the need arise?

5 A I think so, yeah.

6 Q Okay. Now, I believe you, or you heard testimony,
7 and I think contained within your written direct testimony
8 is the events of May 15 where Mr. Loginow goes up and jams
9 the frequency. And when he jammed the frequency, I believe,
10 and you've heard him testify -- no, let me rephrase that.

11 When Serge generated a signal on the 951?

12 A Um-hmm.

13 Q Was that sufficient to throw off the entire
14 microwave signal?

15 A It was sufficient initially to cause the data path
16 to drop out because that's like the weakest piece of the
17 system. That would be the first thing to do. It's not as
18 robust as the first 15 lanes of highway. So what would
19 happen is it would -- by taking away the data or distorting
20 is what he basically did, it would force the unit in Fort
21 Lee to flip over to the microwave unit, and then you would
22 hear a broken up audio until it vanished completely when he
23 turned the power up all the way.

24 Q Does that mean that he -- when he generated his
25 signal, he threw the entire path off initially to the end of

1 it? Any time between the time he started the signal
2 generator and ended the signal generator, to your knowledge,
3 would that have been sufficient to know off the whole signal
4 path?

5 A I'm not exactly sure I understand the question,
6 Mr. Aronowitz.

7 Q Mr. Loginow goes up to the roof and generates a
8 signal, and it throws off the data path. And I believe your
9 direct testimony, and maybe I will read it to you. Let me
10 find it and I'll read it to you.

11 MR. NAFTALIN: Can I put it in front of the
12 witness?

13 MR. ARONOWITZ: Absolutely.

14 (Pause.)

15 THE WITNESS: I don't have this memorized here.

16 MR. NAFTALIN: That's okay. I'll give you a page
17 number in a minute.

18 THE WITNESS: Okay.

19 JUDGE STEINBERG: Try page 22, start there.

20 THE WITNESS: Page? I'm sorry. Okay. Okay.

21 BY MR. ARONOWITZ;

22 Q Let me ask you to turn to page 23.

23 A Yes.

24 Q And I'm going to ask you to go down to that
25 paragraph where it says, "I have a clear memory."

1 A Yes. Yes.

2 Q And read that full paragraph that carries over on
3 the next page.

4 A How far would you like me to read down the second
5 page?

6 Q To the end of the paragraph.

7 (Witness reviews document.)

8 THE WITNESS: Okay, read down to the end of the
9 first paragraph, correct? "Fort Lee translator"?

10 MR. ARONOWITZ: Correct.

11 THE WITNESS: Okay.

12 BY MR. ARONOWITZ;

13 Q And now flipping back to 23 so we can read along
14 so I don't have to use other words, I will use these words.

15 A Okay.

16 Q "Some time between 2 and 2:30 I distinctly heard
17 the programming audio erratically break up for three to four
18 seconds, then fall to dead carrier."

19 A Right.

20 Q You used the words "program audio." Okay?
21 What do you mean by that?

22 A Program audio, I mean the audio from the Jukebox
23 Radio network.

24 Q You were listening on the radio and you heard it
25 break up?

1 A It got weird, yeah.

2 Q It got weird, okay. I mean, I think the word here
3 is "erratically break up." I mean, I suppose that's weird.

4 And then "fall to dead carrier."

5 A Correct.

6 Q On your -- on your -- were you listening on the
7 radio?

8 A Yes.

9 Q Okay. And on your radio the signal stopped?

10 A Eventually, yes.

11 Q The audio signal, what you heard stopped?

12 JUDGE STEINBERG: Well, fell to dead carrier.

13 BY MR. ARONOWITZ;

14 Q What do you mean by "dead carrier"?

15 A It eventually fell to dead carrier.

16 Q And to the uninitiated, dead carrier would
17 indicate it would be silent?

18 A Yes.

19 Q Thank you.

20 Then you flip the page, you ran upstairs to check
21 the remote control. By the time you got there Jukebox Radio
22 programming was back on the air. "I noticed immediately
23 that light six on the remote unit was lit, indicating the
24 microwave receiver at Fort Lee was in operation."

25 Now, "microwave receiver at Fort Lee was in

1 operation," does that mean that it was receiving the audio
2 path?

3 A It means that it was on the air.

4 JUDGE STEINBERG: The microwave was on the air?

5 THE WITNESS: Yes, sir.

6 BY MR. ARONOWITZ;

7 Q I thought you testified that the microwave is
8 always on the air?

9 A No, I never said that.

10 Q The microwave was on the air as it was coming out
11 of the Fort Lee translator?

12 A At this point in time, yes.

13 Q Okay, okay. Absolutely.

14 And when it would default like this, you would
15 have to go up there to switch it back to Monticello?

16 A That was the first time it ever --

17 Q -- remote control. But the data path was on --

18 JUDGE STEINBERG: I don't think Mr. Turro was
19 finished with the answer.

20 THE WITNESS: That's all right. You threw me off.
21 I had something to say. Well, it will come back.

22 BY MR. ARONOWITZ;

23 Q You go upstairs to switch back -- you went to go
24 up to one of the TC-8 units --

25 A Yes.

1 Q -- to switch back to Monticello?

2 A Yes.

3 Well, not switch back to Monticello, that's
4 incorrect. I believe at the time it was tuned to 94.3, and
5 by doing what I -- I ran upstairs to switch it, my first
6 impression -- my first impression was that something
7 happened to 94.3 Pomona.

8 What happened was so erratic. I had never heard
9 it on the air before. So my first indication was, well,
10 Pomona must have gone off the air. It could have been
11 anything. So when I ran up there I said, "Oh, my goodness.
12 Light number six is lit. It feel back." It did what it was
13 supposed to do, which is the first time I ever saw it do
14 that. And I said, "Okay," and I flipped it to 94.3 where it
15 was originally.

16 Q By the TC-8 remote?

17 A Yes.

18 Q But I thought Mr. Loginow's signal generation --
19 signal generator blew out the data path?

20 A Well, it turned it off and returned it.

21 Q So when he turned it off, the data path returned?

22 A Oh, yeah.

23 Q Okay.

24 JUDGE STEINBERG: Had this happened when you
25 weren't there, let's say you were in Las Vegas at the NAB

1 convention, would it have stayed on light number five?

2 THE WITNESS: Oh, yeah.

3 JUDGE STEINBERG: Indefinitely?

4 THE WITNESS: Yeah. Fortunately, that never
5 happened.

6 JUDGE STEINBERG: Okay. The record got that,
7 right?

8 MR. ARONOWITZ: I'm going to interrupt this for a
9 minute. Let me continue and I'll come back. All right.

10 BY MR. ARONOWITZ;

11 Q The Fort Lee translator allegedly receiving
12 Pomona's over-the-air signal, and the Pomona signal is the
13 fail-safe in the event of the complete collapse of the
14 microwave. You've -- why even deviate from the Fort Lee --
15 from the Pomona feed to do this?

16 JUDGE STEINBERG: Did you understand the question?

17 THE WITNESS: Not at all, Your Honor.

18 JUDGE STEINBERG: It was basically the same thing
19 that I was asking you before, which is -- and Mr. Naftalin
20 was asking you, which was if the ultimate fail-safe was not
21 a feed -- the feed indicates it goes to a line, right?

22 THE WITNESS: If the ultimate fail-safe was --

23 JUDGE STEINBERG: Was Pomona, was picking this up
24 off of Pomona --

25 THE WITNESS: I just tell you -- I'm sorry.